IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 217 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE
and
Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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COMMISSIONER OF INCOME-TAX

Versus

ELLISBRIDGE GYMKHANA

Appearance:

MR BB NAIK for MR MANISH R BHATT for Petitioner No. 1

SERVED BY RPAD - (N) for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE
and
MR.JUSTICE D.A.MEHTA

Date of decision: 04/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE A.R.DAVE)

At the instance of the revenue, the following

question of law has been referred to this court for its opinion under the provisions of sec.256(1) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act') by the Income Tax Appellate Tribunal, Ahmedabad Bench 'A'.

"Whether the Appellate Tribunal is right in law in holding that the other income of the assessee was exempt u/s 10(23) of the Income-tax Act, 1961?"

2. Learned advocate Shri B.B. Naik has appeared for the applicant whereas nobody has appeared for the respondent-assessee though the respondent has been duly served.

3. At the time of hearing of this reference, learned advocate Shri Naik has fairly submitted that the question, which has been referred to this court, has been answered in case of Sports Club of Gujarat Ltd. v. CIT, 171 ITR 504. It has been submitted by him that a similar question of law had arisen in case of Sports Club of Gujarat (supra) and this court had answered the question in the said case in the affirmative, i.e. against the revenue and in favour of the assessee.

4. Looking to the law laid down by this court in case of Sports Club of Gujarat (supra), we answer the question referred to us in the affirmative i.e. against the revenue and in favour of the assessee.

The reference stands disposed of accordingly with no order as to costs.

(A.R. Dave, J.) (D.A. Mehta, J.)
(hn)